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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,115	10/28/2003	Thomas Mysker	1776/40924 Case 7 TMM	6105
279 7590 07/27/2007 Trexler, Bushnell, Giangiorgi, Blackstone & Marr, Ltd. 105 West Adams Street Suite 3600 Chicago, IL 60603			EXAMINER PRICE, RICHARD THOMAS JR	
			ART UNIT 3643	PAPER NUMBER
			MAIL DATE 07/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/695,115

Applicant(s)

MYSKER, THOMAS

Examiner

Thomas Price

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10-04-2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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The prior art rejection mailed on 4-21-2005 is withdrawn, in favor of the following prior art rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urban et al (***US Patent 5,024,041***) in view of Sartore (***US Patent 2,922,186***). The reference to Urban et al teach a process for filling tubular casings comprising a filling horn adapted to receive extruded food products and having an outside on which a tubular casing 26 is positioned. A shir housing having a diameter great than said outside of said filling horn is located coaxially to said filling horn and a netting tube 27 releasably attachable to said shir housing. Urban et al does not specifically state that the diameter of the netting tube is slightly smaller than the diameter of the tubular casing 26. Sartore teaches a method of stuffing sausage casings having a netting tube positioned coaxially over a tubular casing. Further, Sartore teaches that the netting tube diameter is slightly less than the diameter of the tubular casing. Regarding claim 1, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the diameter of the netting tube of Urban et al to be slightly smaller than the diameter of the tubular casing, in view of the teachings of

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Sartore, to provide support to the outer surface of the tubular casing. Regarding claims 3 and 10, the combination Urban et al as modified by Sartore forms a food product which is considered edible. In regards to claims 2 and 9, Urban et al do not discuss the use of a clipping or binding element onto the filled casing. However, Sartore teaches the use of a binding mechanism or ferrule. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the casing of Urban et al with a clipping device, in view of the teachings of Sartore, in order segment the casing.

Claims 4-7 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urban et al (**US Patent 5,024,041**) in view of Sartore (**US Patent 2,922,186**) as applied to claim 1 above, and further in view of **Underwood (US Patent 5,135,770)**. Urban et al do not discuss the use of flavoring or a dyed casing. Underwood teaches food casing having a flavoring and dyed quality. Regarding the claims, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the apparatus of Urban et al with a flavored casing, in view of Underwood, in order to provide additional flavoring to the edible product.

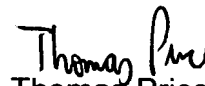
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Price whose telephone number is 571-272-6892. The examiner can normally be reached on M-F from 6:30a.m. to 3:00p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thomas Price
Primary Examiner GAU: 3643
July 8, 2007

rtp